

June 14, 2013

Monica Desai
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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Notice of Ex Parte: WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208**
Petitions for Waiver – Adak Eagle Enterprises (filed May 22, 2012) and Windy City Cellular (filed April 3, 2012)

Dear Ms. Dortch:

On June 13 and 14, 2013, Monica Desai, counsel for Adak Eagle Enterprises, LLC (“AEE”) and Windy City Cellular, LLC (“WCC”), sent an e-mail to Rebekah Goodheart (Legal Advisor, Acting Chairwoman Clyburn) and the following staff of the Wireline Competition Bureau (“WCB”) and Wireless Telecommunications Bureau (“WTB”) regarding the above-referenced petitions:¹ Ruth Milkman (Chief, WTB), Julie Veach (Chief, WCB), Amy Bender (WCB), Christopher Cook (WCB), Jane Jackson (WTB), Michael Jacobs (WCB), Travis Litman (WCB), Scott Mackoul (WTB), Sue McNeil (WTB), Gary Seigel (WCB), Joseph Sorresso (WCB), and Margaret Wiener (WTB). Ms. Desai also sent separate e-mails to Priscilla Delgado Argeris (Legal Advisor, Commissioner Rosenworcel) and Nicholas Degani (Legal Advisor, Commissioner Pai). Copies of the e-mails are attached hereto as Attachment 1.

Ms. Desai focused on the following points:

The interim relief provided to AEE and WCC runs out on June 20 – only four business days from today.² Ms. Desai emphasized that the companies would appreciate any update that staff could provide and are hopeful that the Bureaus will be persuaded to grant a waiver based on (1) the steep cuts the companies have undertaken as reflected in their ex parte of May 31;³ (2) the companies’ voice service on Adak Island, which provides the most comprehensive service, and the only 911 service on the island; (3) their investment of USF support into plant, equipment and personnel to provide that comprehensive service; (4) their outstanding RUS loan, which was used to provision

¹ See Petition for Waiver of Adak Eagle Enterprises, LLC, WC Docket No. 10-90, *et al.*, May 22, 2012 (“AEE Petition”); Petition for Waiver of Windy City Cellular, LLC, WC Docket No. 10-90, *et al.*, April 3, 2012 (“WCC Petition”).

² See *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Order, DA 12-2044 (rel. Dec. 20, 2012).

³ See Letter from Monica Desai, Counsel, AEE and WCC, to Marlene H. Dortch, Secretary, FCC, Submission of Further Supplemental Information, WC Docket No. 10-90, *et al.*, dated May 31, 2013.

that service; and (5) the Commission's repeated public commitment to "no flash cuts," promises of a "glide path" for companies that have made recent investments, and recognition of the unique challenges related to serving remote areas of Alaska.⁴

In addition, Ms. Desai reiterated that General Communication, Inc. ("GCI"), despite apparently receiving significantly more support than WCC over the years, has never invested in the plant, equipment, infrastructure or personnel necessary to provide service beyond a small portion of downtown Adak, or even to provide 911 service. Ms. Desai emphasized that staff should not take at face value GCI's "commitment" to now serve Adak Island at the monthly \$250 per line cap.⁵ Even under the monthly \$250 per line cap, GCI appears to receive levels of support per customer similar to the levels of support received by WCC per customer – because the evidence suggests that, historically, GCI customers on Adak Island take multiple lines each. As the companies have stated previously, WCC has only one line per customer.⁶ AEE and WCC hope that staff recognizes that it would be poor public policy and a waste of taxpayer money for the Commission to provide support to GCI for multiple lines per customer, particularly given GCI's limited coverage area and lack of 911 service, while at the same time forcing bankruptcy on the company that actually invested USF support to provide service throughout critical portions of the island. At a minimum, the Commission should investigate GCI's contracts, service, and customer usage related to Adak Island over the time period GCI has served the island. The Commission also should investigate the same concerns statewide if GCI claims greater efficiency based on its statewide practices.

AEE and WCC continue to stand ready – as they have throughout the entire waiver review process – to provide any additional information or explanation that staff desires. The companies desire to work with staff to reach a long-term resolution of their waiver requests as quickly as possible to ensure that the companies are able to maintain the vital services they provide on Adak Island.

Respectfully submitted,



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*Counsel to Adak Eagle Enterprises, LLC
and Windy City Cellular, LLC*

⁴ See Letter from Monica Desai, Counsel, AEE and WCC, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, WC Docket No. 10-90, *et al.*, 3-5, dated May 14, 2013.

⁵ See Letter from Monica Desai, Counsel, AEE and WCC, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, WC Docket No. 10-90, *et al.*, dated May 31, 2013.

⁶ See Letter from Monica Desai, Counsel, AEE and WCC, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte and Submission of Further Supplemental Information, WC Docket No. 10-90, *et al.*, 16-17, dated April 12, 2013; Letter from Monica Desai, Counsel, AEE and WCC, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, WC Docket No. 10-90, *et al.*, 11, dated Feb. 28, 2013.

cc:

Priscilla Delgado Argeris

Amy Bender

Chris Cook

Nicholas Degani

Rebekah Goodheart

Jane Jackson

Michael Jacobs

Travis Litman

Scott Mackoul

Susan McNeil

Ruth Milkman

Louis Peraertz

Courtney Reinhard

Gary Seigel

Joseph Sorresso

Julie Veach

Margaret Wiener

Attachment 1

From: Desai, Monica S.
Sent: Thursday, June 13, 2013 11:59 PM
To: 'amy.bender@fcc.gov'; 'christopher.cook@fcc.gov'; 'Jane.Jackson@fcc.gov';
'Michael.Jacobs@fcc.gov'; 'travis.litman@fcc.gov'; 'scott.mackoul@fcc.gov';
'Sue.McNeil@fcc.gov'; 'ruth.milkman@fcc.gov'; 'gary.seigel@fcc.gov';
'joseph.sorresso@fcc.gov'; 'Julie.Veach@fcc.gov'; 'Margaret.Wiener@fcc.gov';
'Rebekah.Goodheart@fcc.gov'
Cc: Bartlett, Benjamin; Richter, Jennifer; 'Imayes@ak.net'; 'aweaver@adaktu.net'
Subject: Re: Courtesy Copy of Adak Eagle Enterprises and Windy City Cellular Filing 5.31.13 - Confidential

Hello all. The AEE/WCC interim relief runs out on June 20 - just four business days from now. We would appreciate an update if you can give us one. I am on travel and my cell phone coverage has been spotty, but you can try to reach me on 301-717-6892.

My colleagues Jennifer Richter and Ben Bartlett (both cc'd) will likely be easier to reach. Or if you could set up a time for a call I can hopefully be in an area where I can patch in.

We are hopeful that you will be persuaded to grant a waiver based on 1) the steep cuts the companies have undertaken as reflected in their May 31st ex parte, 2) their voice service on the island, which is the most comprehensive service, and the only 911 service; 3) their investment of USF support into plant, equipment and personnel to provide that comprehensive service, 4) their outstanding RUS loan which was used to provision that service, and 5) the Commission's repeated public commitment to "no flash cuts," promises of a "glide path" for companies that have made recent investments, and recognition of the unique challenges related to serving remote areas of Alaska.

In addition, we hope you recognize that GCI, which despite receiving significantly MORE support than WCC over the years (the evidence suggests maybe even five times as much support), it has NEVER invested in the plant, equipment, infrastructure or personnel to provide service beyond a small portion of downtown Adak, or even to provide 911 service. We hope you don't take at face value GCI's "commitment" to now serve Adak Island at the price cap. We hope you recognize that even at the \$250/line/month price cap, GCI appears to receive similar levels of support per customer as WCC with a waiver, because GCI's customers appear to take multiple lines each. We hope you notice that it is strange if not terrible public policy for the fcc to provide support for multiple lines per customer to gci, particularly given GCI's limited coverage area and lack of 911 service. At a minimum the Commission should investigate GCI's contracts, service and customer usage related to Adak over the time period it has served Adak. The Commission should also investigate the same statewide if GCI claims efficiency based on its statewide practices.

Thank you for your consideration.

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From: Desai, Monica S.
Sent: Friday, June 14, 2013 12:06 AM
To: 'Priscilla.Argeris@fcc.gov'
Cc: Richter, Jennifer; Bartlett, Benjamin; 'Imayes@ak.net'; 'aweaver@adaktu.net'
Subject: Adak/WCC - relief runs out in four days

Hello Priscilla. The AEE/WCC interim relief runs out on June 20 - just four business days from now. We would appreciate any update if you can give us one, and your support for relief if you are willing. We are hopeful that you will be persuaded to grant a waiver based on 1) the steep cuts the companies have undertaken as reflected in their May 31st ex parte, 2) their voice service on the island, which is the most comprehensive service, and the only 911 service; 3) their investment of USF support into plant, equipment and personnel to provide that comprehensive service, 4) their outstanding RUS loan which was used to provision that service, and 5) the Commission's repeated public commitment to "no flash cuts," promises of a "glide path" for companies that have made recent investments, and recognition of the unique challenges related to serving remote areas of Alaska.

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My colleagues Jennifer Richter and Ben Bartlett (both cc'd) will likely be easier to reach. Or if you could set up a time for a call I can hopefully be in an area where I can patch in.

Thank you for your consideration.

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From: Desai, Monica S.
Sent: Friday, June 14, 2013 12:12 AM
To: 'nicholas.degani@fcc.gov'
Cc: Richter, Jennifer; Bartlett, Benjamin; 'lmayes@ak.net'; 'aweaver@adaktu.net'
Subject: Adak/WCC - relief runs out in four days

Hello Nick. The AEE/WCC interim relief runs out on June 20 - just four business days from now. We would appreciate any update if you can give us one, and your support for relief if you are willing. We are hopeful that you will be persuaded to grant a waiver based on 1) the steep cuts the companies have undertaken as reflected in their May 31st ex parte, 2) their voice service on the island, which is the most comprehensive service, and the only 911 service; 3) their investment of USF support into plant, equipment and personnel to provide that comprehensive service, 4) their outstanding RUS loan which was used to provision that service, and 5) the Commission's repeated public commitment to "no flash cuts," promises of a "glide path" for companies that have made recent investments, and recognition of the unique challenges related to serving remote areas of Alaska.

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